

Article IV. Department of Education

§ 4.01. Superintending school committee.

(1) Composition. There is established a superintending school committee, hereinafter referred to as the school committee, composed of 7 members elected at large by the qualified voters of the town. (Amended by vote of the people 11-7-17)

(2) Eligibility. Only qualified voters who at all times during their term of office are and remain residents of the town are eligible to hold the office of school committee member. (Amended by vote of the people 10-4-94; Amended by vote of the people 11-7-17)

§ 4.02. Election and term.

The regular election of school committee members is to be held each year in the manner provided in Article X. Each member is elected for a term of 3 years and serves until the member's successor is elected and qualified. In case any candidates receive an equal number of votes, their relative positions are determined by lot. (Amended by vote of the people 10-4-94; Amended by vote of the people 11-7-17)

§ 4.02-A. Recall.

(1) Applicability. A member of the school committee may be recalled and removed from office by the qualified voters of the Town as hereinafter provided. (Added by vote of the people 6-11-02)

(2) Petition by voters. On the written petition of a number of voters equal to at least 15% of the number of qualified voters registered at the time of the most recent municipal general election, the town council shall, by order, provide for a special recall election as hereinafter provided. (Added by vote of the people 6-11-02)

(3) Petition procedure; procedure after filing. Petition procedures are to be those set forth in 30-A, MRS, § 2102, subsections 3 and 4, or any successor statute, except: (Amended by vote of the people 11-7-17)

(a) The wording required in 30-A, MRS, § 2102, subsection 3.B (1) is as follows: (Amended by vote of the people 11-7-17)

“Town of Kittery”

“Each of the undersigned voters respectfully requests the town council to provide for a special election on the question of recalling and removal of (insert name and address) from the office of school committee”
(Added by vote of the people 6-11-02)

(b) This required wording is to be followed by a statement of the reasons(s) why recall and removal is sought. (Added by vote of the people 6-11-02)

(c) Any notice required to be furnished to the petitioners' committee must also be given the committee member whose recall is sought, by the same means and in the same time frame. (Added by vote of the people 6-11-02)

(4) Calling of election. Within 20 days of receiving the clerk's certificate of sufficiency, or of the town council's determination of sufficiency, the council shall, by order, call for a special election on the recall question, such election to be held not earlier than 45 days nor later than 60 days after the order. (Added by vote of the people 6-11-02)

(5) Form of ballot. The question submitted to the voters must be in substance as follows: (Amended by vote of the people 11-7-17)

“Do you favor recalling and removing (name and address) from the office of school committee?”

YES NO

(Added by vote of the people 6-11-02)

(6) Count of ballot. For any committee member to be recalled and removed from office, both the following criteria must be satisfied:

(a) The majority of valid votes must favor recall and removal.

(b) The total number of valid votes cast must equal or exceed 40% of the number of voters registered at the time of the most recent municipal general election. (Added by vote of the people 6-11-02)

(7) Limitation on recall. During the first 6 months of any term, no committee member is subject to a recall election, nor is a committee member subject to more than two recall elections in any term. (Added by vote of the people 6-11-02; Amended by vote of the people 11-7-17)

§ 4.03. Compensation; expenses.

School committee members are each entitled to receive \$20.00 per regular and/or special meeting attended as compensation for their services and the committee may provide in its budget for actual and necessary expenses. Such compensation may be changed by ordinance but no ordinance increasing the compensation becomes effective until the date of commencement of the terms of school committee members elected at the next regular election, provided that such election follows the adoption of such ordinance by at least 6 months. (Ord. No. 1-74, 3-11-74; amended by vote of the people 10-4-94; amended by vote of the people 6-11-02; Amended by vote of the people 11-7-17)

§ 4.04. Chairperson.

(1) Election. At its first meeting or as soon thereafter as practicable, the school committee must elect, by majority vote of the entire seven-member committee, one of its members to serve as chairperson for the ensuing year. (Amended by vote of the people 11-7-17)

(2) Vacancy. The school committee is to fill any vacancy that may occur in the office of chairperson, from among its members, for the unexpired term by a majority vote of the committee. In the temporary absence or disability of the chairperson, the committee may elect, from among its members, a chairperson pro tempore who exercises all the powers of the chairperson during such temporary absence or disability of the chairperson. (Amended by vote of the people 11-7-17)

(3) Duties. The chairperson presides at meetings of the school committee. The chairperson is entitled to vote on school committee matters and that vote is counted as a vote of the other members of the committee. (Amended by vote of the people 10-4-94; Amended by vote of the people 11-7-17)

§ 4.05. General powers and duties.

The school committee has all the powers conferred by law and must perform all the duties imposed by law upon school committees in regard to the care and management of the public schools of the town. (Amended by vote of the people 11-7-17)

The school committee must provide for the method of preparing and submitting the annual school budget in detail to the town manager at least 90 days before the beginning of the fiscal year. It must also submit a complete list of estimated receipts not less than 50 days before the beginning of the fiscal year. As an exception to this rule submission of estimated receipts may be deferred to a later date which may have been mandated for that year by the state legislature or the state board of education. (Ord. No. 14-77, 10-4-77; Amended by vote of the people 11-7-17)

§ 4.06. Induction of school committee into office.

At the next regular meeting following the day of election, or as soon thereafter as practicable, all committee members-elect are to be sworn to the faithful discharge of their duties by the town clerk or by any other person authorized to administer an oath. (Amended by vote of the people 10-4-94; Amended by vote of the people 11-7-17)

§ 4.07. Judge of qualifications.

The school committee is the judge of the election and qualifications of its members and of the grounds for forfeiture of their office as set forth in § 4.10, subsection 2, and for that purpose has the power to subpoena witnesses as provided in § 12.03, administer oaths and require the production of evidence. A school committee member charged with conduct constituting grounds for forfeiture of office is entitled to a public hearing on demand, and notice of such hearing must be published in one or more newspapers of general circulation in the town at least one week in advance of the hearing. Decisions made by the school committee under this section are subject to review by the Superior Court. (Amended by vote of the people 10-4-94; Amended by vote of the people 11-7-17)

§ 4.08. Procedure.

(1) Meetings. The school committee must meet regularly at least once in every month at such times and places as the school committee may prescribe by rule. Special meetings may be held on the call of the chairperson or of four or more members and, whenever practicable, upon no less than 12 hours' notice to each member as defined by the rules adopted under this section, subsection 2. All meetings must be public. (Amended by vote of the people 11-7-17)

However, the committee may recess for the purpose of discussing in a closed or executive session, limited to its own membership and the school superintendent or qualified officers and advisors concerned with the matter to be discussed, any matter which qualifies under State statute, provided the general subject matter for consideration is expressed in the motion calling for such session and that final action thereon is not taken by the committee until the matter is placed on the agenda.

(2) Rules and journal. The school committee shall adopt its own rules and order of business; provide for the manner of giving notice of special meetings to its members and to the public; and keep a journal of its proceedings. This journal is a public record. (Amended by vote of the people 11-7-17)

(3) Voting. Voting, except on procedural motions, is by roll call and the ayes and nays are to be recorded in the journal. Four members of the school committee constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the school committee. At least 12 hours' notice of the time and place of holding such adjourned meeting must be given all members who were not present at the meeting from which adjournment was taken. No action of the school committee, except as otherwise provided in the second sentence of this subsection and in § 4.10 is valid or binding unless adopted by the affirmative vote of 4 or more members of the committee. (Amended by vote of the people 10-4-94; Amended by vote of the people 11-7-17)

§ 4.09. Prohibitions.

Except where authorized by law, no school committee member may hold any other office or employment with the school department or in a town department during the term for which the member was elected to the school committee, and no former school committee member may hold any compensated appointive town or school office or employment until one year after the expiration of the term for which the member was elected to the school committee. (Amended by vote of the people 11-7-17)

§ 4.10. Vacancies; forfeiture of office; filling of vacancies.

(1) Vacancies. A vacancy in the office of a school committee member occurs by one or more of the following means: (Amended by vote of the people 11-7-17)

- (a) Nonacceptance;
- (b) Resignation;
- (c) Death;
- (d) Failure to qualify for office within 10 days after written demand by the municipal officers;
- (e) Failure of the municipality to elect a person to office;
- (f) Forfeiture of office;
- (g) Recall and removal; or
- (h) Any other manner authorized by law or this charter.

(2) Forfeiture of office. A school committee member forfeits office if the committee member: (Amended by vote of the people 11-7-17)

- (a) Lacks any qualification for the office prescribed by this charter or by law,
- (b) Violates any express prohibition of this charter,
- (c) Is convicted of a crime involving moral turpitude, or
- (d) Fails to attend 3 consecutive regular meetings of the school committee without being excused by the school committee.

(3) Filling of vacancies. If for any reason a vacancy exists in the membership of the school committee more than 6 months prior to the regular municipal election, the vacancy is to be filled by a special election for the unexpired portion of the term. In the event such vacancy occurs fewer than 6 months prior to the next regular municipal election, the vacancy may be filled for the unexpired portion of the term by a special election to be called by the municipal officers. Any such special elections must be conducted in accordance with the provisions of Article X. (Amended by vote of the people 10-4-94; amended by vote of the people 6-11-02; Amended by vote of the people 11-7-17)